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10/782,589

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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT

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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/782,589 | Applicant(s) BARUZZI ET AL. | |
| | Examiner HEMANT PATEL | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's submission filed on November 9, 2009 in response to Office Action dated August 7, 2009 has been entered. Claims 1-12 are pending in this application.

Response to Amendment

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. The rejections are necessitated due to claim amendments.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 recites "transmitting a query to a service processor corresponding to a service to be processed for the call to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork" (ll. 10-12) (emphasis added). However, the instant application discloses "the 4ESS includes an optional parameter (i.e., the Inbound

Art Unit: 2614

Supplemental Originating Information parameter) in the query message sent to the Service Processor (NCP) that indicates whether or not the call arrived on a trunk that qualifies for call handling in the new network." (Specification, paragraph 0031). Thus, the parameter in the query message already indicates that "whether or not the call arrived on a trunk that qualifies" for call handling (service processing) in the new network (said second subnetwork), and hence the "transmitting a query" is not "to determine whether the call arrived on a trunk that qualifies".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-12 recite the limitation "said first of said first subnetwork " in ll. 8 of independent claim 1. There is insufficient antecedent basis for this limitation in the claim. Also claim 1 recites the limitation " the particular type of incoming trunk" in ll. 17. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. Claims 1-9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benhabib (US Patent No. 5,901,213), and further in view of Smyk (US Patent No. 6,603,760 B1).

Regarding claim 1, Benhabib teaches of a method of processing calls in an aggregate telecommunications network having at least two subnetworks (Fig. 2 items 18, 180 in first subnetwork, item 20 a second subnetwork), comprising the steps of:

creating a set of decision criteria (col. 4 ll. 37-44, col. 4 ll. 63-col. 5 ll. 5, col. 5 ll. 10-15, ll. 26-40), applied in a first (Fig. 2 item 180) of said at least two subnetworks, that determine which calls entering said first of said at least two sub networks should receive service processing in said second of said at least two subnetworks (col. 4 ll. 17-40);

receiving a call in said first of said first subnetwork over a switched access or nodal trunk (col. 8-20, col. 4 ll. 8-11, col. 5 ll. 10-15);

to determine whether the call arrived on a trunk that qualifies to receive service processing in said second subnetwork (col. 4 ll. 20-33, ll. 47-52);

if it is determined that the call arrived to said first subnetwork on a qualified trunk to receive service processing in said second subnetwork, guiding the call to said second subnetwork (col. 3 ll. 66-col. 4 ll. 1, col. 5 ll. 39-54); and

invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on (col. 5 ll. 22-25) (col. 1 ll. 28-60, col. 2 ll. 16-43, col. 2 ll. 59-col. 5 ll. 54 for complete details).

Benhabib teaches of service processing database (Fig. 2) but Benhabib does not teach transmitting a query to a service processor corresponding to a service to be processed for the call.

However, in the same field of communication, Smyk teaches of creating a set of decision criteria (col. 4 ll. 65-col. 5 ll. 8), applied in a first (Fig. 4 item 402) of said at least two subnetworks, that determine which calls entering said first of said at least two sub networks should receive service processing in said second (Fig. 4 item 400) of said at least two subnetworks (col. 5 ll. 10-12); transmitting a query to a service processor

Art Unit: 2614

corresponding to a service to be processed for the call (col. 5 ll. 38-64 query to SM and response from SM for call routing service); and invoking service processing by said second of said at least two subnetworks (col. 6 ll. 48-57) (col. 4 ll. 64-col. 9 ll. 50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Benhabib to send a transmit a query to a service processor corresponding to a service to be processed for the call as taught by Smyk in order so that "The local service provider, through software reconfiguration, could quickly and efficiently move service subscribers' virtual phone lines from class 5 switch based local services to SM based services, and vice-versa. The system can operate two separate modes simultaneously" (Smyk, col. 5 ll. 4-9).

Regarding claim 2, Benhabib teaches of the method further comprising the step of:

providing information conveyed by signaling that accompanies the call guided from the first subnetwork to the second subnetwork that is sufficient for causing the invocation of service processing in the second subnetwork (col. 5 ll. 22-25, ll. 49-54), and

Smyk teaches of the method further comprising the step of:

providing information conveyed by signaling that accompanies the call guided from the first subnetwork to the second subnetwork that is sufficient for causing the invocation of service processing in the second subnetwork (col. 6 ll. 11-47 SM sending set-up message to class 5 switch; col. 6 ll. 34-47 SM causing signaling of ABCD bits for connection necessary for invocation of service).

Regarding claim 3, Benhabib teaches of the method further comprising the step of:

providing information conveyed by signaling that accompanies the call guided from the first to second subnetwork that is sufficient for supporting service processing in the second subnetwork (col. 5 ll. 22-25, ll. 49-54), and

Smyk teaches of the method further comprising the step of:

providing information conveyed by signaling that accompanies the call guided from the first to second subnetwork that is sufficient for supporting service processing in the second subnetwork (col. 6 ll. 11-47 SM sending set-up message to class 5 switch and SM causing signaling of ABCD bits for connection sufficient for supporting of service; col. 6 ll. 48-57 dialed digits sufficient for service are conveyed via signaling).

Regarding claim 4, Benhabib teaches of the method wherein said information conveyed by signaling comprises:

information selected from the group of *routing number* (col. 5 ll. 28-40 *routing PIC code*), original dialed number, *an explicit trigger* (col. 5 ll. 14-15 *CIC code for service*) **or** a combination thereof, and

Smyk teaches of the method wherein said information conveyed by signaling comprises:

information selected from the group of routing number, *original dialed number*, an explicit trigger **or** a combination thereof (col. 6 ll. 11-13, 48-57, information in set-up message and dialed digits i.e. original dialed number).

Regarding claim 5, Benhabib teaches of the method wherein said associated information conveyed by signaling is selected from the group of information available to the first subnetwork *calling party number (col. 5 ll. 46-53 subscription of customer based on calling party number)*, *original dialed number (col. 4 ll. 48-57 37-40)*, *routing number (col. 5 ll. 28-40 routing PIC code)*, charge number, Originating Line Information, Customer ID, **or** a combination thereof, and

Smyk teaches of the method wherein said associated information conveyed by signaling is selected from the group of information available to the first subnetwork *calling party number (col. 5 ll. 46-53 subscription of customer based on calling party number)*, *original dialed number (col. 6 ll. 48-57 telephony or AIN services based on collected digits i.e. original dialed number)*, routing number, charge number, Originating Line Information, Customer ID, **or** a combination thereof.

Regarding claim 6, Benhabib teaches of the method further comprising the step of:

targeting a specific element **or** type of element within said second subnetwork of said at least two sub networks to invoke service processing for the call (col. 5 ll. 28-40 specific inter-exchange carrier), and

Smyk teaches of the method further comprising the step of:

targeting a specific element **or** type of element within said second subnetwork of said at least two sub networks to invoke service processing for the call (col. 6 ll. 11-13 specific class 5 switch; col. 8 ll. 46-47 PSTN type of network element).

Regarding claim 7, Smyk teaches of the method where the selection of the specific element **or** type of element within said second subnetwork may be based on the location of the origination of the call into the first said subnetwork (col. 5 ll. 1-7 local service provider for a subscriber is based on subscriber line location originating the call).

Regarding claim 8, Benhabib teaches of the method wherein said decision criteria is selected from at least **one of** the group of:

service type, features potentially applicable within a given service type, *called party number, original dialed number (col. 5 ll. 10-25)*, how close the ingress switch in said first subnetwork is in terms of some proximity measure to said second subnetwork, the identity or type of the particular trunk group over which the call entered said first of said at least two subnetworks, the ANI of the call, *the calling party number of the call (col. 5 ll. 15-17)*, the current load allocation of the first of said at least two subnetworks, the current load allocation of the second of said at least two sub networks, *the existence of a qualifying routing plan or routing information to send a call into said second of said at least two subnetworks (col. 5 ll. 26-40)*, an on/off toggle administrable from a work center, the type of service processor requires to handle the call **or** a combination thereof, and

Smyk teaches of the method wherein said decision criteria is selected from at least **one of** the group of:

service type, *features potentially applicable within a given service type (col.5 ll. 46-53 service subscription)*, called party number, original dialed number, how close the

Art Unit: 2614

ingress switch in said first subnetwork is in terms of some proximity measure to said second subnetwork, the identity or type of the particular trunk group over which the call entered said first of said at least two subnetworks, *the ANI of the call (col.5 ll. 46-53 service subscription related to customer line i.e. ANI)*, the calling party number of the call, the current load allocation of the first of said at least two subnetworks, the current load allocation of the second of said at least two sub networks, the existence of a qualifying routing plan or routing information to send a call into said second of said at least two subnetworks, *an on/off toggle administrable from a work center (col. 5 ll. 4-9 toggling service subscription)*, the type of service processor requires to handle the call **or** a combination thereof.

Regarding claim 9, Benhabib teaches of the method wherein the guidance of calls to the second subnetwork is responsive to a routing number (col. 5 ll. 26-40 PIC number), and

Smyk teaches of the method wherein the guidance of calls to the second subnetwork is responsive to a routing number (col. 6 ll. 54-57 routing based on dialed number).

Regarding claim 11, Benhabib teaches trunk type of switched access trunk (col. 5 ll. 10-15).

Regarding claim 12, Benhabib teaches trunk type of nodal trunk (col. 1 ll. 28-60, col. 3 ll. 8-20).

Art Unit: 2614

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benhabib and Smyk as applied to claim 6 above, and further in view of Bays (US Patent Application publication No. 2002/0141378 A1).

Regarding claim 10, Benhabib teaches of using identifying and using routing plans to the call (col. 5 ll. 26-40) and Smyk teaches of identifying and using routing to route the call (col. 6 ll. 46-57, col. 7 ll. 11-20) but Benhabib and Smyk do not teach of the provisioning system responsible for installing Routing Plans as part of service logic examines each plan to determine its eligibility for service processing in the second subnetwork.

However, in the same field of communication, Bays teaches of provisioning system (routing control device) responsible for installing Routing Plans (routing rule sets) installs and examines each plan to determine its eligibility for service processing in the network (Paragraph 0028-0029).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Benhabib and Smyk with provisioning system that installs route sets (routing plans) and examines each route set to determine its eligibility for service processing in the network as taught by Bays in order to facilitate “configuration and deployment of inter-domain routing policies” (Bays, Paragraph 0004).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2614

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEMANT PATEL whose telephone number is (571)272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel
Primary Examiner
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